

Message Text

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TO USMISSION GENEVA IMMEDIATE

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E.O. 11652: N/A

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SUBJECT: HONG KONG BILATERAL AGREEMENT

1. FOLLOWING ARE SUGGESTED LANGUAGE CHANGES AND/OR REQUESTS FOR CLARIFICATIONS CONCERNING HONG KONG BILATERAL AGREEMENT AS DESCRIBED IN JULY 19 GAREL/SHEPERD TELCON. SUGGESTIONS ARE NOW BEING REVIEWED BY STATE AND LABOR. APPRECIATE TEAM COMMENTS ASAP.

2. SUGGESTED NEW LANGUAGE FOR PARA 13(A), REPLACING CURRENT PARAS 13(A), (B), (C):

WITH RESPECT TO MERGED CATEGORIES 333/334/335 AND SUB-LIMITS 333/334 AND 335; CATEGORIES 633/634/635, AND SUB-LIMITS 633/634 AND 635; AND CATEGORIES 643/644, AND SUB-LIMITS 643 AND LIMITED OFFICIAL USE

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644, EITHER GOVERNMENT MAY REQUEST THAT THE TWO GOVERNMENTS CONSULT TO SEEK A MUTUALLY SATISFACTORY SOLUTION TO OVERCOME ANY PROBLEM THAT MAY ARISE, SUCH AS ANY SIGNIFICANT CHANGE IN TRADE PATTERNS WITHIN SUB-LIMITS.

3. IT WOULD APPEAR THAT MUCH OF THE CONFUSION IN PARAGRAPH 13 CAN BE ELIMINATED BY REPLACING SUB-PARAGRAPHS WITH ABOVE

LANGUAGE AND RELETTERING (D), (E) AND (F) AS (B), (C) AND (D).

4. THE SENTENCE IN CURRENT SUB-PARAGRAPH 13(D) ON CONCEPTS AND PROCEDURES BEING SIMILAR TO SUB-PARAGRAPHS 8(B) AND 8(C) MAKES NO SENSE. IS IT POSSIBLE THAT 9(B) AND 9(C) ARE MEANT?

5. PARAGRAPH 14 IS NOT CLEAR. IS IT MEANT TO SAY IN EFFECT THAT HONG KONG SHOULD INCLUDE IN ITS STATISTICAL RECORDS INFORMATION ON EXPORTS OF COTTON SUITS EVEN IF COATS AND TROUSERS ARE CHARGED SEPARATELY. OR, IS THERE SOME SPECIAL PROBLEM RELATING TO CONSIGNMENTS, AS DIFFERENT FROM SHIPMENTS, WHERE THE EXPORTER MAINTAINS THE OWNERSHIP AND SALE IS BY THE RECEIVER ON BEHALF OF THE EXPORTER? IF IT IS NOT THE LATTER, THE WORD CONSIGNMENT SHOULD BE CHANGED TO SHIPMENTS.

6. IN MEMO FROM SHEPHERD TO SMITH PARAGRAPH 1 ON DELETION OF WORD "MAXIMUM" SHIFT OF YARDAGE, MEANING DOES NOT COME THROUGH. WHAT IS PURPOSE OF PARAGRAPH? (I.E., WHAT IS IT SUPPOSED TO CLARIFY? DOES DEL BELIEVE MEANING OF AGREEMENT IS UNCLEAR IN THIS PARAGRAPH?)

7. IN DRAFT VISA IN NUMBERED PARAGRAPH ONE, LAST SENTENCE, ELIMINATE PHRASE "OR COMBINATION OF CATEGORIES."

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8. IN ALL INSTANCES, ELIMINATE PHRASES "HEREOF", AND "HERETO".

9. IN ALL REFERENCES TO SUB-CATEGORY, THE WORD SHOULD EITHER BE ELIMINATED OR REPLACED BY SUB-LIMIT, SINCE IN EVERY INSTANCE THE SMALLEST UNIT IN THE AGREEMENT IS A CATEGORY. WHEN MERGED, THE CATEGORY MAY BECOME A SUB-LIMIT, BUT IT NEVER IS A "SUB-CATEGORY" WITHIN THE MEANING OF ANNEX B OR THE CATEGORY SYSTEM. UNDER THE EA SYSTEM, HONG KONG MAY COME UP WITH PRODUCT BREAKOUTS OR "SUB-CATEGORIES" IN THE BASKET. VANCE

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